

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERWIN BOATENG,
Defendant.

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Criminal No. 19-032-RDB

Baltimore, Maryland
December 2, 2021
1:09 p.m.

THE ABOVE-ENTITLED MATTER CAME ON FOR
MOTIONS HEARING
BEFORE THE HONORABLE RICHARD D. BENNETT

A P P E A R A N C E S

On Behalf of the Plaintiff:

JUDSON T. MIHOK, ESQUIRE

On Behalf of the Defendant:

IVAN J. BATES, ESQUIRE

Also Present:

NICOLE WONNEMAN, PROBATION
SPECIAL AGENT ROGER COCHRAN, HSI
ALLEN PRACHT, U.S. ATTY OFFICE ANALYST

(Computer-aided transcription of stenotype notes)

Reported by:

Ronda J. Thomas, RMR, CRR
Federal Official Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

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1 (1:09 p.m.)

2 **THE COURT:** Good afternoon, everyone. This is calling
3 the matter of United States v. Erwin Boateng, Criminal Number
4 RDB-19-0032. We are here, first of all, this afternoon for a
5 hearing on a Government motion with respect to a finding by
6 this Court that there's been a violation of the plea agreement
7 in this case, as is reflected by Paper Number 298 filed by the
8 Government. The Defendant having responded in Paper Number
9 301. And then we shall proceed with sentencing in this matter.

10 If counsel would -- first of all, in terms of the record
11 here, it should reflect that consistent with the standing
12 orders of this Court, masks are to be worn in all public areas
13 of the courthouse, but in the respective courtrooms, in the
14 discretion of the presiding judge, those who have been fully
15 vaccinated may remove their mask while speaking.

16 As I routinely do here, I note that I've been fully
17 vaccinated and had my Pfizer booster shot in October at Johns
18 Hopkins Hospital, and I am behind a wall of plexiglass, so I
19 pull my mask down. And I do not need to have it on. And I
20 will be keeping my mask down.

21 So as counsel identify themselves for the record, please,
22 they can indicate their vaccination status.

23 On behalf of the Government.

24 **MR. MIHOK:** Yes, Your Honor. Judson Mihok for the
25 U.S. Attorney's Office. I am fully vaccinated. I do have my

1 booster, too. Joined by Allen Pracht also from the U.S.
2 Attorney's Office. Ms. Setzer could not be here today. And
3 Agent Roger Cochran of Homeland Security Investigations is
4 present as well. And he is fully vaccinated.

5 **THE COURT:** Agent Cochran, nice to see you as well.

6 We have with us Mr. Allen Pracht. I'm sorry we don't have
7 a chair for you. Welcome. It's nice to have you here. He's
8 handling some IT matters?

9 **MR. MIHOK:** Your Honor, he's an intel analyst so he
10 helped research some of the issues related to the Kentucky
11 Secretary of State.

12 **THE COURT:** That's fine. We have with us also U.S.
13 Probation Officer Nicole Wonneman. Ms. Wonneman, nice to see
14 you.

15 **MS. WONNEMAN:** Hello, your Honor.

16 **THE COURT:** You have been fully vaccinated as well?

17 **MS. WONNEMAN:** That's correct, Your Honor.

18 **THE COURT:** When it comes time for sentencing if you
19 want to address the Court, you can pull your mask down as well.

20 All of you on the Government's side may have a seat.

21 On behalf of the Defendant.

22 **MR. BATES:** Good afternoon, Your Honor. My name is
23 Ivan Bates. I represent Mr. Erwin Boateng, young man to the
24 right of me at the trial table. I have been fully vaccinated,
25 and I received my booster in October as well.

1 **THE COURT:** Yes, Mr. Bates. Nice to see you as well.
2 And welcome.

3 Good afternoon to you, Mr. Boateng. Have you been fully
4 vaccinated, sir?

5 **THE DEFENDANT:** Yes, sir. I received two shots of the
6 Pfizer vaccine.

7 **THE COURT:** All right. When you address the Court
8 later you may pull your mask down as well.

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** With that, you may be seated.

11 Let me just summarize where we are in this matter. The
12 Defendant is one of five defendants -- was one of five
13 defendants in this case. Before his four codefendants pled
14 guilty and have been sentenced by the Court, Mr. Boateng
15 entered a guilty plea before Judge Russell of this court on
16 September 19th of 2019, over two years ago, to Count 1 of the
17 indictment charges, charging him with conspiracy to commit bank
18 fraud in violation of 18 United States Code § 1349, pursuant to
19 a plea agreement.

20 The Defendant has been on release for a considerable
21 period of time. And we came forward here on December 2nd with
22 respect to the proceeding to sentencing. It was obvious to me,
23 based upon the submissions of the Government, that the
24 Government is not only not making a motion for a downward
25 departure, but was essentially noting that it contended that

1 Mr. Boateng was engaged in other activity, which would
2 constitute potential criminal activity and constituted a breach
3 of the plea agreement.

4 And in light of that, I heard a proffer from the
5 Government and noted that we really needed to proceed first
6 with a hearing on a motion to find that the Defendant had
7 breached the plea agreement, the burden being on the Government
8 to prove by a preponderance of the evidence that the Defendant
9 had breached the plea agreement, and then to proceed to
10 sentencing.

11 I would note that pursuant to the *Holbrook* case, *United*
12 *States v. Holbrook*, decided by the United States Court of
13 Appeals for the Fourth Circuit in 2004 at 368 F.3d 415, that
14 even if the court determines that the defendant has breached
15 the plea agreement, he is not allowed to withdraw his plea of
16 guilty. So we will be proceeding to sentencing here today
17 later.

18 Mr. Bates, just so I'm clear, it's my understanding that
19 the Defendant is not seeking to withdraw his guilty plea,
20 correct?

21 **MR. BATES:** That is correct. Also, Your Honor, I did
22 have an opportunity to speak to my client. I explained to him
23 that I researched the issue, the Government filed a brief
24 response citing the case law that says we really,
25 quote/unquote, don't have a leg to stand on. It's not

1 something that the defense can do based on the situations. I
2 agree with the research of the Government, I agree with the
3 case law. So no, we're not trying to do that, but even if we
4 were trying, legally we cannot make that argument.

5 **THE COURT:** That's fine. Mr. Boateng, if you'll stand
6 for a minute. What the process here is going to be, I'm going
7 to determine whether or not you've breached the plea agreement
8 or not, and it'll give certain latitude to the Government in
9 the event that I determine that you have breached the plea
10 agreement.

11 The plea agreement specifically provided, as I recall in I
12 think it was Paragraph 9 of the plea agreement -- Paragraph 8
13 of the plea agreement as well as in Paragraph 5 of the sealed
14 supplement, both of which were introduced as Government
15 Exhibit 1 at the time of the guilty plea, that the U.S.
16 Attorney's Office is free to recommend any sentence which it
17 feels is reasonable and so is your attorney.

18 So that while it's important that I determine whether or
19 not you've breached the plea agreement, ultimately it will or
20 will not have a certain effect upon a judgment that I exercise
21 in terms of what the sentence will be.

22 Do you understand that?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** And the one wrinkle here I would note,
25 counsel, is if the Government -- if I find there's been a

1 breach of the plea agreement, the Government is released from
2 its obligations under the plea agreement. The Defendant is not
3 entitled to nor is he seeking to withdraw his guilty plea, but
4 it does -- I do note that it does then release the Government
5 from a waiver of appeal. The Government is free to appeal a
6 sentence in this matter as I interpret the case law here.

7 Mr. Demetriou, my law clerk, is assisting me in
8 researching this, and the -- essentially where I make a
9 determination that Defendant has breached his plea agreement,
10 the Government is released from its obligations, and
11 essentially the issue becomes whether the Government can note
12 an appeal or not as to that. And I, quite frankly, believe the
13 Government can as to that.

14 **MR. MIHOK:** In addition, Your Honor, withholding any
15 levels for acceptance and obviously any 5K motion as well.

16 **THE COURT:** Right. I think, quite frankly, the
17 Government is free to appeal any findings I make on guideline
18 issues.

19 The only thing that's an open question is whether or not
20 the Defendant is also free to appeal the sentence I impose here
21 because of the breach of the plea agreement. The case law is
22 quite clear that he cannot withdraw his guilty plea under
23 *United States v. Holbrook*. But I will tell you, Mr. Mihok,
24 that with respect to -- there is a case, *United States v.*
25 *Grimm*, which is not a binding case, it's Federal Appendix in

1 2008. It would certainly appear that probably the Defendant is
2 not released from his appellate waiver, but I don't find any
3 case law to that effect.

4 So, quite frankly, I think, in terms of the abundance of
5 fairness, that that issue can be raised if there's an appeal
6 down in Richmond and the United States Court of Appeals for the
7 Fourth Circuit can address that.

8 So I'm going to indicate here, in fairness to you,
9 Mr. Boateng, if I determine there's a breach of the plea
10 agreement you cannot withdraw your guilty plea, and you have
11 not sought that, but as far as I'm concerned you're free to
12 appeal whatever sentence I impose also. If the Fourth Circuit
13 feels otherwise they can just so indicate, and they don't get
14 to the issue. Otherwise, they can just listen to what he has
15 to say.

16 Does that make sense to you, Mr. Mihok?

17 **MR. MIHOK:** Yes, Your Honor. Many defendants in
18 this -- in variations of this case have appealed their
19 sentence. We'll do what we always do, which is we bring a
20 motion to dismiss and --

21 **THE COURT:** Sure, sure.

22 **MR. MIHOK:** I think we're on rockier ground here. If
23 he does, we'll bring a motion to dismiss, and I think it's an
24 open question. I think it's a coin toss whether the Fourth
25 Circuit --

1 **THE COURT:** The best way to preserve the record for
2 the Fourth Circuit is to indicate that I'll -- as far as I'm
3 concerned he's permitted to appeal the sentence as well, and
4 the Fourth Circuit can deal with that initially as to whether
5 or not he's allowed to. The Fourth Circuit can dismiss it
6 summarily in terms of his appeal on the sentence, or they can
7 determine that the breach did not entitle him to withdraw his
8 guilty plea, but it doesn't necessarily preclude him from
9 arguing with respect to the sentence imposed.

10 **MR. MIHOK:** Certainly if the Court decides with the
11 Government that the Defendant doesn't get any levels off for
12 acceptance of responsibility, as a consequence of the breach of
13 the plea agreement, I think that would be maybe an issue for
14 appeal.

15 **THE COURT:** What I'm saying is, as far as I'm
16 concerned, what will remain after that is, one, whether I
17 determine and rule that he's breached the plea agreement, and
18 the Government has the burden by the preponderance of the
19 evidence to do so.

20 And as far as I'm concerned if the -- if I were to
21 determine that he has not breached the plea agreement by a
22 preponderance of the evidence then there has been no breach and
23 we're right back to where we were before and both sides have
24 waived appeal.

25 But in fairness, in fairness, the Government is entitled

1 to my unbiased view of this in terms of whether or not there's
2 been a beach. And if I determine there's been a beach then
3 you're not -- you're free to appeal any issue I make a finding
4 on.

5 Just again, for the record, I'm going to permit him -- as
6 far as I'm concerned he's free to appeal the calculation of a
7 sentence as well and it's teed up for the Government -- I mean,
8 for the appellate court. The appellate court can deal with his
9 argument or the appellate court can determine that he's waived
10 those arguments and Mr. Mihok not even entertain them. It
11 would be a summary rejection of his appeal. It would be up to
12 the Fourth Circuit to determine that, neither of which would
13 require coming back to me.

14 I'm going to -- apart from the guideline calculation, I'm
15 going to also note the factors under 3553(a) of 18 United
16 States Code in terms of what I think is an appropriate sentence
17 alternatively.

18 So I think we've clarified that as best we can for the
19 record for purposes of appeal.

20 So with that, you may be seated, Mr. Boateng, and the
21 Government bears the burden here, not to prove guilt beyond a
22 reasonable doubt, but to prove essentially that you have
23 breached a plea agreement in some way.

24 I'll be glad to hear from you, Mr. Mihok.

25 **MR. MIHOK:** Yes, Your Honor. Thank you. We'll call

1 Agent Cochran to the stand.

2 **THE COURT:** Agent Cochran, come forward, please.

3 **THE CLERK:** If you'll remain standing. Raise your
4 right hand.

5 (Witness sworn.)

6 **THE CLERK:** You may be seated in the witness stand.

7 **THE WITNESS:** Thank you.

8 **THE CLERK:** Speak directly into the microphone. Can
9 you please state your full name and spell your last name for
10 the record.

11 **THE WITNESS:** Can I take off my mask?

12 **THE COURT:** Yes.

13 **THE WITNESS:** Roger Eugene Cochran, II.
14 C-O-C-H-R-A-N. Special Agent with Homeland Security
15 Investigations, Baltimore.

16 **MR. MIHOK:** Your Honor, may I inquire?

17 **THE COURT:** Yes, go right ahead.

18 - - -

19 **DIRECT EXAMINATION**

20 - - -

21 **BY MR. MIHOK:**

22 **Q.** Where do you work?

23 **A.** I work for Homeland Security Investigations in Baltimore.
24 I'm assigned to the Port of Baltimore, Dundalk, Maryland,
25 Baltimore, Maryland.

1 Q. How long have you worked there?

2 A. Nineteen and a half years.

3 Q. What's the current assignment?

4 A. Current assignment is to the Border Enforcement Security
5 Team. It's kind of a hybrid group. We cover narcotics,
6 smuggling through BWI Airport and the Baltimore seaport. We
7 also cover investigations involving any contraband leaving
8 either the seaport or airport.

9 Q. What -- just a quick summary of your training, knowledge,
10 and experience working fraud cases.

11 A. My initial exposure to it was I was an analyst at FinCEN
12 starting in 1988 before I became a special agent with Homeland
13 Security. Then once I was hired by -- it was U.S. Customs
14 Service at the time in 2002, we were primarily narcotics until
15 2010. I became -- I was transferred back to the seaport group
16 and became involved with stolen vehicle export investigations.

17 As those investigations evolved, we started seeing a lot
18 of -- saw vehicles being purchased by fraud with using identity
19 theft and bank fraud to finance and purchase these vehicles.
20 And that's how I became involved with fraud cases.

21 Q. And you were the case agent for this case -- United States
22 v. Erwin Boateng, which is now assigned RDB-19-0032, from the
23 very beginning, from its inspection?

24 A. Yes, I was.

25 Q. You see the Defendant in the courtroom?

1 A. Yes.

2 Q. Where is he situated?

3 A. At the defense table with a red shirt on and a gray mask.

4 THE COURT: The record will reflect the witness has
5 identified the Defendant Erwin Boateng.

6 BY MR. MIHOK:

7 Q. And did you participate in a proffer meeting with the
8 Defendant?

9 A. Two of them.

10 Q. And so I want to go back to the very first one. Do you
11 see Exhibit 3 on your screen?

12 A. Yes, I do.

13 Q. And we're going to go to the second page of Exhibit 3, and
14 what's the date of that initial proffer meeting?

15 A. August 23rd, 2019.

16 Q. Whose signature there is above -- to the left there?

17 A. Erwin Boateng and Mr. Ivan Bates.

18 Q. And just in sum and substance, very short summary, what
19 was the -- can you tell the Court a little bit about that
20 August 23rd, 2019, proffer, the information that the Defendant
21 provided?

22 A. That was a proffer about the original case and the
23 original bank fraud, and Mr. Boateng -- we discussed how that
24 took place with Mr. Amoanwu, which is a codefendant. And what
25 Mr. Boateng's role was, what he knew about, what he didn't know

1 about. And then his other business ventures and charities. I
2 know he mentioned Quality Health Africa as being an
3 organization that he was involved with or even ran.

4 Q. And during the course of that proffer, it lasted more than
5 an hour?

6 A. Yes.

7 Q. And during the course of that proffer it was clear -- very
8 open-ended. Tell us about anything else that you think is
9 relevant, any other business dealings along those lines; is
10 that fair?

11 A. Yes, absolutely.

12 Q. During the course of that hour or -- at least hour, I
13 think it was closer to two hours, proffer on August 23rd, '19,
14 did the Defendant mention Sphere Point International Group or
15 SPIG?

16 A. No.

17 Q. Did he mention his business dealings with a Mr. Betti?

18 A. No.

19 Q. Or Mrs. Umow from Cardinal Capital?

20 A. No.

21 Q. How about Mr. Reid and Chocolate Gold business venture?

22 A. No.

23 Q. Mr. Thomas and Civtek?

24 A. No.

25 Q. Efforts to pass a 9 billion-dollar bond with Schwab?

1 A. No.

2 Q. Efforts to pass a 1 billion -- excuse me, 1 billion-dollar
3 bond with Morgan Stanley?

4 A. No.

5 Q. When did you become aware of this Defendant attempting to
6 pass a bogus 9 billion-dollar bond with investment firm Charles
7 Schwab?

8 MR. BATES: Objection.

9 THE COURT: Sustained. Strike the reference to bogus.
10 It's a statement of fact by you, Mr. Mihok. If you'll rephrase
11 the question, please.

12 BY MR. MIHOK:

13 Q. When did you become aware of the Defendant's effort to
14 pass a 9 billion-dollar bond which was not legitimate?

15 MR. BATES: Objection.

16 THE COURT: Objection sustained. This agent can
17 testify in terms of his determination of whether or not it was
18 fraudulent or not legitimate. The question should be when he
19 became aware of the 9 billion-dollar bond.

20 MR. MIHOK: Yes, Your Honor. Thank you.

21 BY MR. MIHOK:

22 Q. When did you become aware of the 9 billion-dollar bond and
23 the efforts at Charles Schwab?

24 A. Approximately February of 2020.

25 Q. Did you conduct some follow-up investigation?

1 A. Yes. After that we sent out some collateral
2 investigations to an office in Albany, New York, and then after
3 that an office in North Carolina. I believe it was Raleigh, an
4 office in Raleigh.

5 Q. So here I'm showing you Exhibit 11, and I want to
6 highlight the top right portion of the screen there. Do you
7 see February of 2020, is that roughly when HSI -- when you
8 became aware of this activity regarding a 9 billion-dollar bond
9 and Charles Schwab?

10 A. Yes.

11 Q. At some point thereafter was there request through
12 Mr. Bates to have a follow-up or a second proffer meeting with
13 the Defendant?

14 A. Yes, it was within a month of that.

15 Q. How long did it take to get that second proffer meeting
16 scheduled with Mr. Boateng?

17 A. Over a year.

18 Q. In the interim, were there some follow-up interviews that
19 were conducted?

20 A. Yes. As I mentioned, the collateral cases, the one was
21 requesting HSI Albany to interview Ms. Umoh. Another was
22 requesting HSI North Carolina to interview Mr. Amaonwu. And
23 then I conducted a phone interview with Mr. Chaffiotte.

24 Q. And can you see on the timeline there the interviews with
25 Umoh and Amaonwu taking place between May and June of 2020?

1 A. Correct.

2 Q. And then Mr. Chaffiotte in January of 2021?

3 A. Correct.

4 Q. What was the reason then for the delay in this timeframe?

5 A. For numerous hurdles with the COVID shutdown, office
6 shutdowns, the court was shut down. And then we were busy with
7 other cases as well.

8 Q. You see here June 28, 2021, was that the date of the
9 second or continued proffer with the Defendant?

10 A. That's correct.

11 Q. And I want to go back to Exhibit 3. And we'll go to
12 Page 3. And do you see the continuation and the initials
13 there?

14 A. Yes. June 28, 2021.

15 Q. And do you see Mr. Boateng's initials?

16 A. Yes, in the middle.

17 Q. Can you just keep your volume up a little bit.

18 A. Sorry.

19 Q. Can you just give the Court a very brief overview of what
20 was discussed at that proffer?

21 A. That proffer centered on the Charles Schwab activity and
22 the attempt to pass the 9 billion-dollar bond or collateralize
23 it for a 500 million-dollar loan.

24 Mr. Boateng explained that he was working with Mr. Betti,
25 who he had met in 2016 or 2017, I believe in Ghana. Mr. Betti

1 had previous projects in Ghana, and he was working with him
2 to -- there was several projects: A hospital, affordable
3 housing, amusement park, inland port, I believe. Major
4 projects.

5 And the purpose was to take -- to have the bond be used as
6 collateral to receive a loan to finance these projects.

7 Q. And during the course of that proffer meeting, were you
8 showing him the bond paperwork, the information that you had
9 gathered up to that point in your investigation of this
10 9 billion-dollar bond, secured funding bond, and this effort at
11 Charles Schwab?

12 A. Yes, we had the copy we received from Schwab, which is the
13 redacted copy.

14 Q. During the course of that proffer on June 28, 2021, did
15 the Defendant discuss any efforts with any other business
16 efforts or dealings with Mr. Reid and a venture called
17 Chocolate Gold?

18 A. No.

19 Q. Did Mr. Boateng, the Defendant, did he discuss any
20 business dealings with a Mr. Thomas concerning a business
21 called Civtek?

22 A. No.

23 Q. Did the Defendant bring up a 1 billion-dollar bond in an
24 effort to collateralize that in a Morgan Stanley office on Long
25 Island?

1 A. No.

2 Q. I just want to go back to Exhibit 11. This is that
3 timeline. And here we're going to focus on the bottom portion
4 here. During the course of your follow-up investigation, did
5 you become aware of additional attempts by the Defendant --
6 additional business dealings that he was engaged in during this
7 timeframe?

8 A. Yes. We found -- in one of the filings by defense, I
9 believe it was in July of 2020, after the second proffer --

10 Q. 2021?

11 A. 2021, I'm sorry -- it mentioned that Mr. Boateng and this
12 CSS Corp. had a 400 million-dollar agreement with SPAGnVOLA
13 chocolatier in Gaithersburg, Maryland, to build a chocolate
14 factory and projects in Ghana.

15 Q. I want to show you Exhibit 2A. Is that, on Exhibit 11,
16 that deal that you're referring to, is that colored in green
17 here along the bottom?

18 A. Yes.

19 Q. So I want to pull up Exhibit 2A. Do you recognize this?

20 A. Yes, this is a document that Mr. Reid provided to us after
21 we contacted him regarding the business dealing he had with
22 Mr. Boateng.

23 Q. I want to go to --

24 MR. BATES: Objection, Your Honor. I want to put
25 something on the record. I do recognize -- just so my client

1 is clear and the record is clear. A lot of this is hearsay but
2 for the purpose of this proceeding this information can come
3 in. I just want my client to know --

4 **THE COURT:** It's not necessarily offered for the truth
5 of the matter asserted therein. It's just a document.
6 Objection is overruled.

7 **MR. BATES:** I just want to make sure my client
8 understood what was going on. Thank you.

9 **THE COURT:** I'm not accepting any of these documents
10 for the truth of the matters asserted therein, Mr. Boateng.
11 This is in the context of business dealings, and I have to make
12 a judgment ultimately whether or not the Government proves by a
13 preponderance of the evidence that these were unlawful
14 activities; that's all. I'm not making a finding that they
15 were or no today. This is in the context strictly of a breach
16 of a plea agreement.

17 You may continue, Mr. Mihok, and the objections are
18 overruled.

19 **BY MR. MIHOK:**

20 **Q.** Page 3 of Exhibit 2A, do you see the signature there of
21 Mr. Reid?

22 **A.** Yes.

23 **Q.** And what date was that signed?

24 **A.** May 19th, 2019.

25 **Q.** And above that, do you see the place where there's a place

1 for the Defendant's signature?

2 A. Yes.

3 Q. And it's not signed?

4 A. Right, it's blank.

5 Q. Did you speak with Mr. Reid about this business
6 dealings -- these Memorandum of Understanding, these
7 negotiations that were happening in May of 2019?

8 A. Yes. Mr. Reid indicated that he was contacted by someone
9 he used to work with named Penny Middleton, an
10 African-American, and he used to work with her in Maryland or
11 Washington D.C., but she lived in Ghana for a period of time
12 after that. She knew that he was interested in projects abroad
13 with his chocolate company. She recommended him to Mr. Boateng
14 and a gentleman he only knew as -- I believe it's Alhotra, but
15 he called him Al. They met, all four of them met, and I
16 believe Mr. Reid's wife was there as well at his chocolate shop
17 in Gaithersburg.

18 Mr. Reid was excited for the project. He mentioned that
19 Mr. Boateng had been in the Marine Corps and had done previous
20 work in Africa. Mr. Reid went on -- he was very passionate
21 about investigating in Africa to reverse poverty in the
22 farmers.

23 So they agreed to what Mr. Reid believed was a 5 to
24 10 million-dollar investigation that Mr. Boateng could secure
25 moving forward, and they started a WhatsApp chat group

1 regarding the project.

2 Q. Ultimately did that deal come to fruition?

3 A. No, it never came to fruition. According to Mr. Reid,
4 Mr. Boateng contacted him, he thought it was about two months
5 later after this was signed, and indicated that everything was
6 ready to go except for some caveats. And they wanted to meet
7 again. He said they met again, and the caveat was that
8 Mr. Reid would need to put down a 50,000-dollar good faith
9 investment to release the bond -- or to show the investors that
10 they were serious to release the bond.

11 Q. What was the amount on the bond?

12 A. That was -- he had sent him a copy on an email. It was a
13 9 billion-dollar bond.

14 Q. Did Mr. Reid put up the \$50,000 of earnest money?

15 A. No, Mr. Reid indicated that he had no way of coming up
16 with that kind of money. He indicated that Mr. Boateng and --
17 we'll call him A1 -- had indicated they were frustrated. The
18 meeting ended. They were going to come up with a different
19 kind of way forward, and he didn't hear from them again until
20 early 2021.

21 Q. And with regard to that meeting where he made it clear he
22 wasn't going to be coming up with \$50,000 of money upfront, did
23 he indicate roughly when that meeting took place?

24 A. He thought it was a couple of months after this. So it
25 would have put it in summer of 2019, July or August of 2019.

1 Q. I want to show you Exhibit 2B. What are we looking at
2 here?

3 A. This is a document that was provided after -- by the
4 defense after the second proffer with Mr. Boateng.

5 Q. This purports to be between SPAGnVOLA, is that a business
6 associate with Mr. Reid?

7 A. That's Mr. Reid's chocolate company, SPAGnVOLA. And EMA
8 Vision, european economic interest group.

9 Q. I want to go to Page 6 of Exhibit 2B and draw your
10 attention to the signatures there. Did you discuss this
11 document with Mr. Reid?

12 A. Yes, I discussed this document with Mr. Reid, and he
13 indicated that these are his electronic initials, this is his
14 seal, and that is his electronic signature. But he did not
15 place these on this document, and he has never seen this
16 document before. I showed it to him, and he has never agreed
17 to anything with Mr. Betti or EMA Vision or met Mr. Betti.

18 Q. Going back to Page 1 of Exhibit 2B. Do you recall what
19 this was regarding? Is this another chocolate venture or some
20 sort of business opportunity?

21 A. Yes, I believe it was called Chocolate Gold Venture, which
22 is similar to what they're -- where is it at?

23 Q. And on Page 1 of Exhibit 2B, do you see Chocolate Gold
24 development project?

25 A. Chocolate Gold development project for \$400 million.

1 Q. Did you discuss with Mr. Reid the -- this amount, the
2 400 million-dollar Chocolate Gold development project?

3 A. I asked him if he was expecting Mr. Boateng to come up
4 with a 400 million investment. And he just chuckled. He said,
5 "No, I had a 250,000-dollar business before COVID. That would
6 be out of my league pretty much."

7 Q. So he never discussed \$400 million for this Chocolate Gold
8 development project with Mr. Boateng?

9 A. He said he did not.

10 Q. I'm going to go to Exhibit 12. Do you recognize this?

11 A. Yes. This is a consultant contract dated August 29, 2019,
12 with Sphere Point International Group and Civtek International
13 Corporation.

14 Q. And that's -- what's the date on that again?

15 A. August 29, 2019.

16 Q. And I want to go to Page 7. And whose signature appears
17 there?

18 A. It's Erwin Boateng, CEO of Sphere Point International
19 Group.

20 Q. And on behalf of Civtek, is there a space for a signature?

21 A. Yes, for Thomas Young, CEO of Civtek.

22 Q. Did you discuss this business deal or potential deal with
23 Mr. Young on behalf of Civtek?

24 A. Yes, I was able to make contact with him by phone. He
25 indicated he was in Pretoria, South Africa, working on a

1 product. He did recall this and had some notes in his phone
2 regarding it. He was seeking funding -- he's an engineer,
3 certified engineer. He was seeking funding for projects in
4 Africa.

5 A gentleman, last name of Wusu (phonetic), who he had
6 previously had dealings with I think on a mortgage, recommended
7 Mr. Boateng to him. They discussed the projects. Mr. Boateng
8 sent him this paperwork and some others. And he indicated
9 upfront -- Mr. Boateng indicated that he would need \$50,000 to
10 transfer the funds to him.

11 Mr. Young indicated to me that he didn't -- he didn't like
12 this. He didn't feel that this was proper. And he
13 communicated that to Mr. Boateng via phone. And within a week
14 the deal didn't go anywhere and on September 11th, 2019, he
15 reported it to the Internet Crime Center for the FBI.

16 Q. And Mr. Young did that?

17 A. Mr. Young did.

18 Q. Are you familiar with advanced fee scams or schemes?

19 A. Yes, sir. I mean, vaguely. But it's -- advanced fee scam
20 or scheme is just when -- I guess what you hear about the most
21 is someone says you won the lottery but you need to pay a
22 certain amount of money to release the winnings. It's kind of
23 like, I have a 9 billion-dollar bond, but you need to pay me
24 before I can release the bond.

25 Q. The fact pattern or information that you developed with

1 regard to these documents, the Chocolate Gold and Civtek with
2 Mr. Reid and Mr. Young respectively, did the information you
3 were relayed, did it track in your training and experience with
4 the advanced fee schemes?

5 A. Yes, it sounded very similar.

6 Q. I'm going to go to Exhibit 6A. What are we looking at
7 here?

8 A. We're looking at the 9 billion-dollar bond that was
9 presented to Charles Schwab.

10 Q. And this is as Charles Schwab provided it to us, with all
11 these redactions?

12 A. Correct.

13 Q. And you already mentioned the amount, \$9 billion?

14 A. That's correct.

15 Q. And I want to draw your attention to this information
16 contained here on the right-hand side just below where it
17 indicates \$9 billion. Do you see the treasury account number
18 there?

19 A. Yes, sir. Above where it says Department of Treasury it
20 says treasury priority prepaid exempt account XXX-XX-5631. And
21 I was able to determine that's the Social Security number for
22 Jeffrey D. Hall.

23 Q. Not a legitimate treasury account?

24 A. It is not a treasury account.

25 Q. If we go to the bottom area here by the signature, the

1 actual name by the signature is redacted, but do you see that
2 account number listed there again?

3 A. Yes. It says security creditor to pass-through account,
4 number XXX-XX-5631.

5 Q. And below that what does it say?

6 A. "We the People of Earth Zero to V."

7 Q. What else does it say?

8 A. Nondomestic without the United States. Void where
9 prohibited by law.

10 Q. So did you follow up with regard to this bond and doing
11 some research into whether this was a legitimate bond or
12 something that was not legitimate?

13 A. Yes, I spoke with the Fiscal Service Bureau, Chief of
14 Security at the Department of Treasury, and he had his bond
15 team look at this and two other 2.5 million-dollar bonds and,
16 in short, they indicated they were fraudulent.

17 Q. And just really briefly, what were some of the issues that
18 the folks that you spoke with, both with treasury and the
19 officials would have been responsible for issuing bonds, what
20 did they tell you about bonds in general, and this bond in
21 particular?

22 A. One of the biggest ones that I had found just through
23 internet research was that they stopped issuing paper bonds in
24 1986, and this was issued in 2016, some, you know, 30 years
25 later. Everything --

1 Q. On page 2 of that exhibit, I just want to draw your
2 attention to the date there that it was allegedly issued.

3 A. Yes, 2016, June 11, 2016.

4 Q. So 30 years after they stopped issuing paper copies of
5 bonds?

6 A. Yes, they're all called book entry bonds so they're all
7 kept electronically.

8 Q. When you were doing some simple online searches, were you
9 able to see any bonds that looked similar, language that was
10 used in similar paperwork?

11 A. Yeah, on the Department of Treasury OIG website, they have
12 an example of a fraudulent security, and it looked very similar
13 to that 9 billion-dollar bond.

14 Q. Do you see here "private registered bond for setoff," this
15 is Page 3 of that Exhibit 6A, indicating a value of 100 billion
16 U.S. dollars and below that is a certificate of live birth or a
17 reference to a certificate of live birth. Does that, you know,
18 that -- that language being used, does it have any significance
19 to you?

20 A. Correct. And the Treasury Department confirmed this as
21 well that it's an indicator of a birthright scheme used by
22 sovereign citizens for quite some time now, and the birth
23 certificate doesn't correspond to any account at the Treasury
24 Department.

25 Q. I'm going to go to Exhibit 6B. And we're going to go to

1 Page 2 of that exhibit, and I would draw your attention to this
2 email. What's the date of the email?

3 A. November 4th, 2019.

4 Q. And who's the email from?

5 A. From Erwin Boateng, CEO.

6 Q. And who's it to?

7 A. It is to johndeitzjr@schwab.com.

8 Q. And I've highlighted a paragraph there, what did
9 Mr. Boateng write in this email to Schwab?

10 A. He introduced himself to Schwab, to John Deitz, and
11 indicated Dr. Umoh is their representative who he's been
12 communicating with, and he indicated he completed the
13 application forms and sent them back to Mr. Deitz.

14 And in the highlighted paragraph he says "Please let me
15 know what the next steps are in the process of opening the
16 account and getting the treasury bond deposited with your bank.
17 All involved parties on my end are ready to talk and exchange
18 any information needed to complete the process."

19 Q. What bond is being referred to there in this November 4th
20 email?

21 A. This was the 9 billion-dollar bond.

22 MR. BATES: Objection, Your Honor.

23 THE COURT: Overruled.

24 BY MR. MIHOK:

25 Q. Okay. I'm going to go to Exhibit 6B and go to Page 2 of

1 that exhibit. And -- wait a minute.

2 A. That's the same one.

3 Q. 6C. Standby. And so Exhibit 6C, and who is this email
4 from?

5 A. Erwin Boateng, Chief Executive Officer.

6 Q. And who is it to?

7 A. I believe this is management at the Carter Group.

8 Q. What's the date of the email?

9 A. November 6th, 2019.

10 Q. And what is Mr. Boateng, on behalf of Sphere Point
11 International Group here, relaying to management, which is
12 Ms. Karner at the -- or Ms. Umoh at Karner Capital?

13 A. He indicates that these are supporting documents to help
14 verify the authenticity of the company and the bonds. He goes
15 on to say "Please remind them the bond from my company will
16 only be issued once the institution agrees to accept it. All
17 these documents are help to authenticate the bond, its source,
18 and validity."

19 Q. Did you indicate there was some follow-up with Charles
20 Schwab related to this specific transaction?

21 A. Yes.

22 Q. Just in sum and substance, what was the timeframe --
23 timing of this, the timeframe of this, and if this deal also
24 proceeded?

25 A. This deal did not proceed. Charles Schwab indicated that

1 they wouldn't move forward with the deal. And this was all in
2 early November 2019.

3 Q. I'm going to go to Exhibit 6D. Some of the paperwork that
4 was provided to Charles Schwab, did it include a statement of
5 account DDA trust?

6 A. Yes. You can see the tax identification number.
7 XXX-XX-5631, that's the same number that was on the bond as a
8 pass-through account, I believe. The amount is
9 79,571,579,700 -- I think I might have got that a little wrong,
10 but it's in excess of \$79 trillion.

11 Q. This is among the paperwork that the Defendant provided to
12 Charles Schwab in connection with this effort to have this
13 treasury bond deposited with a Schwab account?

14 A. Correct.

15 Q. And that treasury bond was the 9 billion-dollar account?

16 A. Correct.

17 Q. You also see here towards the bottom from May to June this
18 account changed from roughly \$90 trillion to \$79 trillion?

19 A. Correct.

20 Q. And looking at the other pages that follow this, there's a
21 whole series of transactions that purport to indicate that this
22 is -- that there's various bonds that are being written from
23 this account?

24 A. That's correct.

25 Q. And your research or follow-up with the Federal Reserve

1 folks and the folks at the bank, what did they tell you about
2 this?

3 A. I spoke with Sean O'Malley, who is the vice president of
4 the Federal Reserve Bank in New York. And I asked him because
5 the number at the top under general account, 051000033, is the
6 routing number for the Federal Reserve Bank. And I asked him
7 if this was an account statement for the Federal Reserve Bank,
8 and he indicated it was not. I asked him about the routing
9 number being on there, he basically told me it didn't matter,
10 that the Federal Research Bank does not issue paper account
11 statements and does not hold accounts for private trusts or
12 private citizens.

13 Q. In the paperwork that the Defendant provided, was there a
14 reference to an effort to pass a bond at a Morgan Stanley
15 office on Long Island?

16 A. I believe it's Garden City, Long Island. There were
17 references -- I'm going to mess up his name -- his name was
18 Victor, I believe, Ola Oluwole, going to a Morgan Stanley
19 office on Long Island to attempt to pass a bond.

20 Q. And how was it that the Defendant, Erwin Boateng, was
21 connected or associated with that attempt to pass?

22 A. Mr. Ola Oluwole indicated that he was working with Sphere
23 Point International Group and Karner Capital Group.

24 Q. And the follow-up with -- I'm sorry, follow-up where
25 Morgan Stanley office on Long Island, did they provide you

1 Exhibit 13A that we're looking at?

2 A. Yes, they did.

3 Q. What was the amount of this bond?

4 A. \$1 billion.

5 Q. And did it also reference that same account number which
6 ends up resolving to Mr. Hall's Social Security number?

7 A. Yes.

8 Q. Which, again, is not a legitimate number?

9 A. Correct.

10 Q. And then the signature line here not redacted, did it have
11 that same reference to that --

12 A. Yes, to the same account number.

13 Q. And "We the People of Earth Zero to V" or five, Roman 5?

14 A. Correct.

15 Q. And on Page 2, the issue date of this bond?

16 A. September 6, 2018.

17 Q. Again, no paper copies, no paper bonds have been issued
18 since 1986?

19 A. Nothing since 1986.

20 Q. On Page 3, was this additional information that the
21 Defendant provided to Charles Schwab, which was then provided
22 to you, in connection with his effort to have them open an
23 account with Morgan Stanley to obtain a loan?

24 A. Yes. This was an account statement, I believe it was
25 provided Ola Oluwole, Victor Ola Oluwole, to Morgan Stanley.

1 Q. And what was the amount associated with that account?

2 A. 7,571,579,700,000.

3 Q. Do you see the same account numbers are referenced there?

4 A. Same account numbers and the same routing number that
5 references back to the Federal Reserve Bank.

6 Q. And we're going to go to Exhibit 13B. Did you follow up
7 with Charles Schwab regarding this effort?

8 A. Morgan Stanley?

9 Q. I'm sorry, gosh. I keep doing that, sorry -- with Morgan
10 Stanley regarding this -- what transpired there in --

11 A. Yes, it took longer than I expected because they weren't
12 able to find it when I first asked them about it, but they had
13 had Mr. Boateng's name as Mr. Edwin Boateng. So when they were
14 finally able to get us the documents, I was able to talk to
15 Mr. Brown, who was the security officer for the branch.

16 Q. So looking at this email, which is 13B, this is Page 1 on
17 to Page 2 from Mr. Brown. What's the date of that email?

18 A. October 25th, 2019.

19 Q. What is Mr. Brown relaying in this email to other
20 individuals within Morgan Stanley?

21 A. He's just alerting them that Victor Ola Oluwole came into
22 the branch and indicated that he was from Karner Capital Group
23 and represented Spherepoint International Group, and that they
24 were seeking to transfer 1 million in treasuries to attain a
25 250- to 500-million letter of credit for various projects in

1 Africa.

2 Q. Did you follow up with Mr. Brown regarding this?

3 A. Yes, he indicated that it was a junior associate who had
4 been contacted by Mr. Ola Oluwole through, I believe, LinkedIn.
5 Then it was transferred to a senior associate, Mr. Rich Brown,
6 as he mentioned who sat in on the meeting. He became
7 immediately suspicious --

8 Q. Daniel Brown?

9 A. No, Rich Brown, senior associate.

10 Q. Oh, I'm sorry. Go ahead.

11 A. Then Rich Brown called in Daniel Brown because of his
12 suspicions.

13 Q. And was Victor -- were his efforts successful there on
14 behalf of Sphere Point International Group to create a trust
15 account or create an account with this 1 billion-dollar bond to
16 get a 250 to 500 million-dollar loan?

17 A. No. They indicated to him that they weren't going to
18 proceed. They then received a call from --

19 Q. Let me just stop you there. So the individual --
20 Mr. Brown forwarded the information to the risk management side
21 of Morgan Stanley?

22 A. Yes. Jeffrey Slauenwhite.

23 Q. What did Mr. Slauenwhite indicate at the email at the top?

24 A. It says -- it appears to be an advanced fraud or a 419
25 scam. These scams typically seek --

1 **THE COURT:** As to that, that is opining, and I'm not
2 going to accept that. I can look at the documents myself,
3 Mr. Mihok, and the earlier objection is sustained in that
4 regard.

5 **MR. MIHOK:** Well, Your Honor, it's important because
6 the risk management team at Morgan Stanley is relaying to
7 everybody watch out for this, and that's important for what
8 happens after.

9 **THE COURT:** I understand. I accept that. But I'm not
10 going to go into opining -- as to someone opining, in their
11 view, it's fraud that's occurred. The Court can make
12 determinations as to preponderance of the evidence here today
13 as to that.

14 **MR. MIHOK:** Thank you, Your Honor.

15 **BY MR. MIHOK:**

16 **Q.** So we'll go to Page 3. What's the date of this email?

17 **A.** November 8th, 2019.

18 **Q.** And what is Mr. Brown relaying in this email?

19 **A.** This is to Thomas Casso, security with Morgan Stanley.
20 Team of individuals just called and Dan Koluch transferred them
21 to me. Call came from Edwin Boateng (443)374-8673. I
22 communicated that we reviewed the documents, and we weren't
23 interested in the business. They said okay and hung up.

24 As he stated below: I feel this will end their attempts
25 but I will let you know if they call again.

1 Q. What was the phone number associated with that call from
2 Mr. Boateng?

3 A. (443)374-8673.

4 Q. And was that a number that was associated with
5 Mr. Boateng?

6 A. Yes. It was, I believe, on some of the documents that he
7 had submitted to open the account with Schwab.

8 Q. I'm going to go to Exhibit --

9 THE COURT: Mr. Mihok, we're going to go wind this up
10 in about 10 minutes here.

11 MR. MIHOK: Yes, Your Honor.

12 THE COURT: I've heard enough. I understand the
13 nature of it. We're not going to prove the entire case. You
14 have ten more minutes. You're on the clock.

15 BY MR. MIHOK:

16 Q. Exhibit 8, what's the source of this?

17 A. This came from the defense two weeks ago, December 1st.

18 Q. December 1st on the eve of the sentencing here originally
19 scheduled for December 2nd?

20 A. Yes, sir.

21 Q. And 10 pages long?

22 A. Yeah. Approximately. I think it's longer than that.

23 Q. Well, this particular --

24 A. This agreement is 10 pages.

25 Q. And it purports to be a joint venture and proceeds sharing

1 agreement?

2 A. Correct.

3 Q. And purports to be filed with the Secretary of State of
4 Kentucky?

5 A. Correct.

6 Q. There was follow-up regarding this document?

7 A. Yes, we contacted the Secretary of State's Office, and
8 they indicated that this was a forged document.

9 Q. So Exhibit 8A, do you see there the declaration of
10 Ms. Mullins who works for the Kentucky Secretary of State?

11 A. Yes.

12 Q. And just in sum and substance, what does she relay in this
13 three-page affidavit she provided after reviewing this 10-page
14 document?

15 A. She's indicating that that certificate we just had, the
16 Apostille certificate, was forged. Some others had been --
17 were legitimate of some kind. And it was kind of a mix of
18 fraudulent documents and legitimate documents.

19 Q. If we go to Exhibit 8B. Does this Exhibit 8B, does that
20 annotate, and with the paragraph, reference all of the problems
21 that the Kentucky Secretary of State saw with this document
22 that purported -- that was provided by the defense and
23 purportedly filed with the Kentucky Secretary of State.

24 A. Yes. And the one that I noticed immediately, which made
25 me pursue this more, was that the Secretary of State listed on

1 here was not in office at the time the document was certified.

2 Q. So there are some documents that were completely forged;
3 is that fair?

4 A. This one is.

5 Q. And then there are other records that were filings -- a
6 mix of filings involving Switzerland, Sweden, and some filings
7 related to China?

8 A. Correct.

9 Q. I'm going to go to Exhibit 9, and what are we looking at
10 here?

11 A. A letter from an attorney in Monaco regarded -- to
12 Mr. Betti regarding U.S. bonds and some business involving
13 those bonds.

14 Q. What was the source of this information?

15 A. This was provided by the defense, I believe.

16 Q. Going to Page 2 of Exhibit 9, what is this Dr. Carbonari
17 with an address of Monaco? What's the date of that
18 correspondence?

19 A. November 10th, 2021.

20 Q. And what is this paperwork indicating?

21 A. It indicates that: The file concerning your bonds, we can
22 tell you that we're waiting on the green light from ING Bank
23 about some bureaucratic steps on the confirmation of the
24 financial development as proposed by KUSA, BV of the
25 Netherlands at this time. As soon as it's received we'll

1 proceed with the issuance of the JVA.

2 Q. And if we go to Page 3 of that document, what's the date
3 of the correspondence?

4 A. November 17th, 2021. It's again addressed to Mr. Betti
5 from Mr. Carbonari. Following conference call, I believe, CC
6 would be conference call -- we want to be exhaustive and
7 professional. For this we reiterate the basic concept that the
8 company will move the bond in ING, KUZA, is absolutely
9 determined and available to close the transaction. Obviously
10 the question now is what time frame is needed for the
11 implementation. Not being able to give a precise day for a
12 series of bureaucratic banking logistical and pragmatic
13 procedures and not depend on us at all. We can give you a
14 realistic day based on your experience and knowledge. We
15 believe that within 10 to 15 business days there will be a JVA
16 ready for your signature and ING, the bank, ready to act based
17 on precise financial plan prepared by your team. Sincerely
18 yours, Tucker Daniel, A. C. Carbonari.

19 Q. Also provided in that packet was there a letter from --
20 correspondence from Mr. Betti, this individual who's been
21 referenced in this paperwork?

22 A. Yes, that was dated November 19th, 2021, and it was a
23 letter from Mr. Betti indicating that his business, CSS Corp.,
24 is a business unit of Mr. Boateng's business, Sphere Point
25 International Group, and talks about their capabilities and

1 their projects.

2 Q. And going to Page 2 of that record.

3 This -- I just want to highlight this last paragraph.

4 THE COURT: You have three more minutes, Mr. Mihok.

5 A. It indicates that Spherepoint International Group is in
6 charge of CSS Corp. government's engagements in Africa.

7 Mr. Boateng is an integral member, has been since 2016. He's
8 responsible to facilitate and manage -- says the approved
9 requested by the Government of Ghana, Sierra Leone, Senegal and
10 other African countries. It says that CSS Corp. is a business
11 unit of Spherepoint and Mr. Boateng is a director and an active
12 part of the management of many projects already presented and
13 approved.

14 Q. So taken collectively these last two exhibits, Exhibits 9
15 and 10 provided by the defense on December 1st, 2021, do they
16 appear to stand for the proposition that the Defendant is
17 active and ongoing with these efforts and his company, Sphere
18 Point International Group?

19 A. Yes, as of November 2021.

20 MR. MIHOK: That's all I have, Your Honor.

21 THE COURT: Thank you, Mr. Mihok.

22 Cross-examination.

23 MR. MIHOK: Under the wire, Judge. Under the wire.

24 THE COURT: You're right. You did. You had a minute
25 left.

1 **MR. BATES:** Yes, Your Honor, I'll be very brief.

2 **THE COURT:** Mr. Bates, cross-examination.

3 **MR. BATES:** Very brief.

4 - - -

5 **CROSS-EXAMINATION**

6 - - -

7 **BY MR. BATES:**

8 **Q.** How are you doing today, agent?

9 **A.** I'm doing great. Thank you, sir.

10 **Q.** Good, good. I just have a couple of questions. The
11 Government showed you Government's Number 11, the Government's
12 Number 11 was --

13 **THE COURT:** I think we can have the U.S. attorney's
14 office just flip up number 11, as opposed to you putting the
15 documents down, Mr. Bates, on the ELM0. The Government has the
16 ability to tee up. Thank you very much, Mr. Mihok.

17 **MR. MIHOK:** Happy to help.

18 **MR. BATES:** Yes, thank you.

19 **THE WITNESS:** Yes.

20 **BY MR. BATES:**

21 **Q.** So the Government's 11, pretty much, let's us discuss when
22 Mr. Boateng had the proffer with you, correct?

23 **A.** Correct.

24 **Q.** And that initial proffer was August 23rd, 2019, was you,
25 myself, Mr. Boateng and Mr. Mihok, correct?

1 A. Correct.

2 Q. And at that proffer, one of the things that you said
3 Mr. Boateng was supposed to do is he's supposed to be honest
4 and open and tell you all about the companies that he was --
5 businesses if he had any, correct?

6 A. Correct.

7 Q. And your testimony today here is that he never told you
8 about Spherepoint?

9 A. I don't recall that, no.

10 Q. You had notes, I'm sure you looked through your notes and
11 everything, correct?

12 A. Correct.

13 Q. If he would have told you about Spherepoint, what would
14 you have done?

15 A. I would have noted it.

16 Q. If he told you about Spherepoint and that it was active
17 and he was doing work, what would you have said to Mr. Boateng
18 in reference to that company?

19 A. Yeah, what kind of work are you doing? How much money are
20 you bringing in? Those kind of things. Is there anything that
21 we should know about it?

22 Q. And I guess it's because you don't have those notes in
23 your file that that's why you feel that he did not tell you
24 about Spherepoint?

25 A. I don't recall him telling me about Spherepoint.

1 Q. All right. Now, I'll be very quick. Here's Defense
2 Number 20.

3 THE COURT: Again, it's easier, it's a Defense
4 Exhibit. You need to put it on the ELMO and Ms. Maldeis needs
5 to flip it over to the ELMO for Defense Number 20.

6 BY MR. BATES:

7 Q. This is Defense Number 20. Do you remember ever seeing
8 this email?

9 A. Yes.

10 Q. And this is an email from Ms. Umoh, U-M-O-H, correct?

11 A. That's correct.

12 Q. And that's of the Karner Capital Group?

13 A. That's correct.

14 Q. And that's the same individual that you referred to that
15 you said Mr. Boateng was working with, correct?

16 A. Ms. Umoh, yes.

17 Q. And there's a "Dear Victor," it's dated November 7th,
18 2019, at 4:49 p.m., do you see that in the right-hand corner?

19 A. Yes.

20 Q. And in this email, looking at it, would you not say that
21 it's from Ms. Umoh pretty much asking Victor not to do
22 something or explaining an action Victor took?

23 A. Yes. She's basically telling him to cease and desist.

24 Q. Do you know exactly cease and desist what?

25 A. To stop representing anything for Karner Capital Group,

1 utilizing any of the treasury bond documents or parts there for
2 your business transactions or discussions with Morgan Stanley
3 or any other persons or corporation and/or organizations within
4 or outside of the United States.

5 Q. And that's from Ms. Umoh, Karner, correct?

6 Now I'd like to show you Defense Exhibit 21. Do you
7 recognize this email? Have you ever seen this?

8 A. Yes.

9 Q. Did you see November 7, 2019?

10 A. That's correct.

11 Q. Do you see the management at Karner Capital Group?

12 A. Yes.

13 Q. And reference to this email, this is an email from whom
14 discussing what?

15 A. I believe that Ms. Umoh is management of Karner Capital.
16 I don't think anybody else has access to that as far as I know.

17 Q. All right.

18 A. And says this is to the Spherepoint Gmail account. Paul
19 Chaffiotte at Spectrum Group -- I should have brought my
20 reading glasses -- dcamaonwu@gmail.com. It says "This is all
21 my fault. I sent Victor to Morgan Stanley last week and now
22 this. My apology to all of you. I not just shocked, I simply
23 petrified that this guy could do this."

24 Q. So she doesn't say anything about Mr. Boateng, but yet
25 Victor, who I think you testified earlier was the individual

1 that presented some of the documents to Morgan Stanley, the
2 initial bond, correct?

3 A. Yes, that's correct.

4 Q. Now, I believe also on Government's 11 it talks about how
5 you have the opportunity to interview Ms. Umoh, correct?

6 A. Another HSI agent did in New York, correct?

7 Q. Do you know if at any point in time did they ever ask her
8 who gave her that treasury bond? Who gave Victor that treasury
9 bond? Because I think he was also interviewed as well,
10 correct?

11 A. Victor was not. Danielle Amaonwu was. I don't recall who
12 she said gave it to her.

13 Q. Okay. I just have a few more questions. I'm not going to
14 use any of this. Do you mind if I sit down, Your Honor?

15 THE COURT: Go right ahead.

16 BY MR. BATES:

17 Q. One of the things we looked at was CSS Corporation,
18 Mr. Betti. By any chance, did you ever reach out to Mr. Betti?
19 Did you talk to Mr. Betti or attempt to interview Mr. Betti?

20 A. No.

21 Q. And you also see the owner of the Genesis Family Trust. I
22 see a lot of Jeffrey Hall. At any point in time did you ever
23 interview Jeffrey Hall?

24 A. No.

25 Q. Did you ever do any research to see if there actually is a

1 Genesis Family Trust?

2 A. I looked -- ran some reports on Accurate, some public
3 records things, and there's a lot of UCC filings associated
4 with Genesis Family Trust. Some research.

5 Q. So there does appear to be a Genesis Family Trust, you
6 just didn't look to see who Mr. Hall was associated with it?

7 A. No, Mr. Hall is associated with it. According to
8 databases, according to Accurate and publicly available
9 databases.

10 Q. Now, this Mr. Reid that you spoke to -- and Mr. Reid told
11 you that Mr. Boateng asked for \$50,000 for Spherepoint in
12 reference to the -- an investment, correct?

13 A. Correct.

14 Q. Did Mr. Reid ever have any emails or text messages that
15 talked about this at all? Did he present it to you?

16 A. About the 50,000 or just --

17 Q. The 50,000-dollar request.

18 A. I think there was some -- maybe some WhatsApp messages,
19 but it wasn't directly Mr. Boateng asking him for 50,000. But
20 there was something about -- I seem to remember that Penny
21 might be trying to come up with the money or something like
22 that.

23 Q. Okay. All right.

24 MR. BATES: Court's indulgence, brief moment.

25 THE COURT: Sure.

1 **MR. BATES:** Thank you, Your Honor. At this moment in
2 time I have no more questions.

3 **THE COURT:** Thank you very much, Mr. Bates. Anything
4 further, Mr. Mihok?

5 **MR. MIHOK:** Briefly.

6 - - -

7 **REDIRECT EXAMINATION**

8 - - -

9 **BY MR. MIHOK:**

10 **Q.** Agent Cochran, do you recall what date Ms. Umoh reported
11 all of this to the FBI?

12 **A.** I don't recall the exact date. It was I believe in
13 November 2019, fall of 2019.

14 **Q.** November of 2019?

15 **A.** I believe so.

16 **Q.** And with regard to Jeffrey Hall, did you do further
17 investigation, further background checks just to ascertain
18 where he could currently be living or what he could be doing?

19 **A.** I ran his -- so the Genesis Family Trust is registered to
20 a UPS store, to a mailbox there in North Carolina. I ran his
21 driver's license in North Carolina. I found a driver's license
22 that came back to a different UPS store address.

23 Again, the Accurate report does mention, as I mentioned to
24 Mr. Bates, indicated he may be in the Atlanta area running a
25 janitorial services company.

1 I found some public information that appeared that he had
2 filed bankruptcy in North Carolina at least twice, or at least
3 once, maybe twice.

4 I ran his NCIC criminal history and found a criminal
5 history dating back to about 2000 in North Carolina. I believe
6 one conviction for passing a worthless check, one conviction
7 for larceny, and a 2008 arrest for a worthless check, but I
8 didn't see a disposition.

9 MR. MIHOK: Thank you.

10 - - -

11 **RECROSS-EXAMINATION**

12 - - -

13 **BY MR. BATES:**

14 Q. Just one question, when you said Mr. Bates -- Mr. Bates
15 meaning me -- you didn't see me involved, right, correct?
16 Because you said with Mr. Bates?

17 (Laughter.)

18 A. Well, we were just --

19 Q. Oh, just based on the question --

20 A. On cross, on cross.

21 (Laughter.)

22 Q. Okay, you mean on cross?

23 A. Yes.

24 Q. All right. I just wanted to make that clear.

25 **THE COURT:** The record will so reflect, Mr. Bates.

1 **MR. BATES:** Thank you. I have no further questions,
2 Your Honor.

3 **THE COURT:** You may step down, Agent Cochran.
4 Anything further from the point of view of the Government?

5 **MR. MIHOK:** Your Honor, there are a number of other
6 exhibits that I didn't review with Agent Cochran, but they are
7 all ECF filings but I think they're relevant for --

8 **THE COURT:** You have -- these have all been filed with
9 the Clerk of the Court, have they not? I believe.

10 **MR. MIHOK:** Yes, Your Honor. EC -- Exhibit 1,
11 Exhibit 5, Exhibit 7, and I think that's it. And the only
12 point I wanted to make about those exhibits, they're
13 self-authenticating. There was the July 7th, 2021, order, that
14 followed a modification after a pretrial release violation
15 hearing. And I just want to make it clear -- God bless you.

16 **THE COURT:** You're blessing me because I sneezed.

17 **MR. MIHOK:** Yes, the judge sneezed.

18 -- that July 7, 2021 hearing, and we also have the
19 recording of that hearing, and that there was both a regular
20 portion and then a sealed portion. And Chief Magistrate Judge
21 Gesner was very, very clear with the Defendant, admonishing him
22 that he was to have no further dealings of any kind whatsoever.
23 That it was a very close call to detaining him that day. And
24 that if he had any further dealings, contact, communications of
25 any variety, sort, strike, anything related to any of these

1 companies, any of these business dealings, really anything
2 beyond caring for his daughter, who was six years old -- and
3 she's on the trust account paperwork as the trustee -- that he
4 had to, before he did, before he had any of that kind of
5 communication he needed to communicate that to pretrial
6 services officer Seline Ferguson, who was on the line as well.

7 And I've confirmed with probation officer Wonneman here
8 today that she followed up with both pretrial services
9 probation officer Ferguson, and then John Stagg took the case
10 over after her, after it was transferred and electronic
11 monitoring was included, and at no time ever has the Defendant
12 communicated anything about any business dealings, anything
13 whatsoever to pretrial, the pretrial services officers who were
14 supervising him, or to the probation officer who wrote the
15 presentence report.

16 **THE COURT:** Thank you, Mr. Mihok. Mr. Bates?

17 **MR. BATES:** Your Honor, I was there. I mean, that's
18 what happened. No objections.

19 **THE COURT:** With respect to any witness, I don't know
20 we need to explore this any further, Mr. Bates, nor do I think
21 the Defendant needs to jeopardize himself by coming up here and
22 taking the oath.

23 If you'll stand, please, Mr. Boateng. You have a right to
24 present a defense, Mr. Boateng. But I have to advise you of
25 your privilege against self-incrimination. And to the extent

1 that you come up on the witness stand and you take an oath,
2 totally apart from this matter in which you're being sentenced,
3 you could be exposed to perjury if it was determined that you
4 lied.

5 Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** This is simply a matter of a guideline
8 calculation with respect to whether or not there's been a
9 breach of a plea agreement that then frees the Government to
10 argue from certain matters. And then I hear from you and
11 Mr. Bates about the appropriate sentence in this case as to
12 which you pled guilty with respect to conspiracy to commit bank
13 fraud. That's all that's involved here.

14 Do you understand that?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** So, understanding that, Mr. Bates, I would
17 think that we can conclude this hearing, and I'll make a
18 determination whether there's been a breach. And we'll proceed
19 to sentencing. Do you concur with that?

20 **MR. BATES:** I do. Can I just speak with --

21 **THE COURT:** Sure, talk to your client.

22 (Counsel conferring.)

23 **MR. BATES:** Your Honor, thank you. I did have an
24 opportunity to speak with my client. Just so my client is
25 clear, we presented a number of documents that I know the Court

1 has looked at, proffers I know the Court has looked at as well.
2 So at that moment in time, talking to my client -- and I
3 explained to my client this is not a beyond the reasonable
4 doubt, this is a 50/50 --

5 **THE COURT:** By a preponderance of the evidence,
6 Mr. Boateng, by a preponderance of the evidence. The question
7 is by a preponderance of the evidence whether or not you have
8 breached the overall terms of the plea agreement. That's all
9 I'm deciding here right now.

10 Do you understand that?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **MR. BATES:** And I've also explained to my client that
13 just the agent's testimony about us being there and not telling
14 him about Spherepoint and to continue to still have the
15 interaction, that is, from my point of view, the preponderance,
16 and I understand where we are.

17 **THE COURT:** All right. That's fine.

18 **MR. BATES:** At this moment in time I explained that to
19 my client; he wishes not to testify.

20 **THE COURT:** That's fine. And nothing is going to be
21 held against you. I'm not taking any presumptions against you
22 for that. The Defendant has been advised of his rights and is
23 not presenting testimony, and no adverse inference is being
24 drawn by this Court as to your not testifying. You may be
25 seated here for a moment, sir.

1 Basically, based upon the proffers of the Government and
2 in terms of review of Government Exhibit 6, a document which is
3 clearly fraudulent. Although I sustained an objection and
4 referring to it fraudulent, it's clearly fake in terms of the
5 fact that it's dated June 11, 2016, and those documents were
6 not even created over the previous 30 years in that fashion.
7 And looking at Government Exhibit 8A, as well as 13B, that
8 alone establishes that there has been a breach of the plea
9 agreement.

10 And, specifically, in paragraph 16 and 17 of the plea
11 agreement in this case, which is document 101 that was filed on
12 September 20, 2019, to the extent it provides, totally apart
13 from the matter of the alleged criminality of this conduct, it
14 notes that the Defendant will be truthful in any statement to
15 the Court, the U.S. Attorney's Office, law enforcement agents,
16 or probation officers. And it's clear that he has not divulged
17 these prospective business dealings to the probation officer.

18 And paragraph 17 notes that if the Defendant engages in
19 conduct prior to sentencing that violates that above paragraph,
20 Paragraph 16, and I find by a preponderance of the evidence,
21 then the U.S. Attorney's Office is free from its obligations
22 under the agreement. And clearly the Defendant is not
23 permitted to withdraw his plea of guilty.

24 And I find by a preponderance of the evidence here that
25 there has been, in fact, a breach of the plea agreement in this

1 case.

2 And, specifically, the proffer agreement, the proffer
3 arrangements of August 23, 2019, and June 28, '21, were such
4 that it was based upon the Defendant's complete truthfulness
5 and candor, and information was withheld, and accordingly the
6 Government is able to use that proffered information if it so
7 chooses, and the matter of a 5K1.1 motion for a downward
8 departure was properly withheld, and the Government was
9 released from its obligations in that regard.

10 Furthermore, there will be no adjustment for acceptance of
11 responsibility based upon this breach. The case law is
12 abundantly clear that to the extent that there is any type of
13 proffered continued criminal activity in any way or which is
14 under investigation, it is inconsistent with the reduction for
15 acceptance of responsibility as the United States Court of
16 Appeals for the Fourth Circuit has noted in *United States v.*
17 *Bolton*, 858 F.3d 905, an opinion of the Fourth Circuit in 2017.
18 So for those reasons the Court finds there has been a breach of
19 the plea agreement in this case having conducted a hearing.
20 And we will proceed accordingly to sentencing here now.

21 With that, what I'd like to do is we're going to take a
22 very brief recess for no more than five minutes. I've got to
23 tend to something back in chambers for one second.

24 Adam, if you'll take these papers here and just staple
25 these together. And these will be put in a separate red folder

1 as to the breach. Here you go.

2 We are now ready -- the Government is ready to proceed to
3 sentencing; is that right, Mr. Mihok?

4 **MR. MIHOK:** That's correct, Your Honor.

5 **THE COURT:** Defense ready to proceed to sentencing,
6 Mr. Bates?

7 **MR. BATES:** That's correct, Your Honor.

8 **THE COURT:** With that, we will take just a very brief
9 five-minute recess. No more than five minutes.

10 **MR. MIHOK:** Your Honor.

11 **THE COURT:** Yes.

12 **MR. MIHOK:** With regard to your finding that the
13 Defendant has breached the plea agreement, and just so the
14 record is clear, that you're also finding that this breach was
15 material?

16 **THE COURT:** Yes. Without a question it's a material
17 breach. Without question. It's very simple. It's material to
18 the cooperation that he was or wasn't going to provide. It's
19 material to the nature of the cooperation and to the proffer
20 agreements. And it's totally material as far as I'm concerned.

21 **MR. MIHOK:** Thank you.

22 **THE COURT:** So with that, this court will take a brief
23 five-minute recess and we'll reconvene in five minutes.

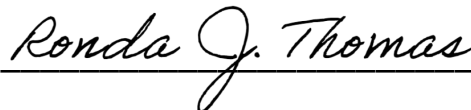
24 **THE CLERK:** All rise. This Honorable Court is now in
25 recess.

(Hearing adjourned at 2:25 p.m.)

CERTIFICATE OF OFFICIAL REPORTER

I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 5th day of July 2022.

A handwritten signature in cursive script that reads "Ronda J. Thomas". The signature is written in black ink and is positioned above a horizontal line.

Ronda J. Thomas, RMR, CRR
Federal Official Reporter

<p>MR. BATES: [19] 4/22 6/21 16/8 16/15 20/24 21/7 30/22 43/1 43/3 43/18 48/24 49/1 51/1 52/17 53/20 53/23 54/12 54/18 57/7 MR. MIHOK: [24] 3/24 4/9 8/14 9/17 9/22 10/10 11/25 12/16 16/20 37/5 37/14 38/11 42/20 42/23 43/17 49/5 50/9 51/5 51/10 51/17 57/4 57/10 57/12 57/21 MS. WONNEMAN: [2] 4/15 4/17 THE CLERK: [4] 12/3 12/6 12/8 57/24 THE COURT: [53] 3/2 4/5 4/12 4/16 4/18 5/1 5/7 5/10 7/5 7/24 8/16 9/21 10/1 10/15 12/2 12/12 12/17 14/4 16/9 16/16 21/4 21/9 30/23 37/1 37/9 38/9 38/12 42/4 42/21 42/24 43/2 43/13 45/3 47/15 48/25 49/3 50/25 51/3 51/8 51/16 52/16 52/19 53/7 53/16 53/21 54/5 54/17 54/20 57/5 57/8 57/11 57/16 57/22 THE DEFENDANT: [6] 5/5 5/9 7/23 53/6 53/15 54/11 THE WITNESS: [4] 12/7 12/11 12/13 43/19</p> <p>\$</p> <p>\$1 [1] 34/4 \$1 billion [1] 34/4 \$400 [2] 24/25 25/7 \$400 million [2] 24/25 25/7 \$50,000 [4] 23/14 23/22 26/9 48/11 \$79 [2] 32/10 32/18 \$79 trillion [1] 32/10 \$9 [2] 27/13 27/17 \$9 billion [2] 27/13 27/17 \$90 [1] 32/18 \$90 trillion [1] 32/18</p> <p>'</p> <p>'19 [1] 15/13 '21 [1] 56/3</p> <p>0</p> <p>0032 [2] 3/4 13/22 051000033 [1] 33/5</p> <p>1</p> <p>1 billion [1] 16/2</p>	<p>1 billion-dollar [2] 19/23 36/15 1 million [1] 35/24 10 [5] 38/10 38/21 38/24 41/15 42/15 10 million-dollar [1] 22/24 10-page [1] 39/13 100 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8th [1] 37/17</p> <p>9</p> <p>9 billion-dollar [13] 15/25 16/6 16/14 16/19 17/8 18/22 19/10 23/13 26/23 27/8 29/13 30/21 32/15 905 [1] 56/17</p> <p>A</p> <p>ability [1] 43/16 able [8] 25/24 27/21 29/9 35/12 35/14 35/14 41/11 56/6 about [35] 14/19 14/22 14/25 15/1 15/8 15/21 22/5 22/21 23/4 26/20 28/20 33/1 33/8 35/12 38/10 40/23 41/25 44/4 44/8 44/13 44/16 44/21 44/24 44/25 46/24 47/4 48/15 48/16 48/20 50/5 51/12 52/12 53/11 54/13 54/14 above [6] 1/9 14/16 21/25 27/19 55/19 59/9 above-entitled [2] 1/9 59/9 abroad [1] 22/12 absolutely [2] 15/11 41/8 abundance [1] 9/4 abundantly [1] 56/12 accept [3] 31/16 37/2 37/9 acceptance [4] 8/15 10/12 56/10 56/15 accepting [1] 21/9 access [1] 46/16 according [3] 23/3 48/7 48/8 accordingly [2] 56/5 56/20 account [29] 27/17 27/20 27/23 27/24 28/2 28/3 29/23 30/16 32/5 32/8 32/13 32/15 32/18 32/23 33/5 33/7 33/10 34/5 34/12 34/23 34/24 35/1 35/3 35/4 36/15 36/15 38/7 46/18 52/3 accounts [1] 33/11 Accurate [3] 48/2 48/8 49/23 act [1] 41/16 action [1] 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